

Charter
Missouri River (South Dakota) Task Force

1. Committee's Official Designation: The Committee shall be known as the Missouri River (South Dakota) Task Force ("the Task Force").
2. Authority: The Secretary of Defense, under the provisions of Section 905(a) of Title IX, the Missouri River Restoration Act of 2000, Public Law 106-541, the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), and 41 C.F.R. § 102-3.50(a), established the Task Force.
3. Objectives and Scope of Activities: The Task Force shall provide independent advice and recommendations on a plan and accompanying critical restoration projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan Program, as set out in Section 905 of the Missouri River Restoration Act of 2000 and in paragraph four below.
4. Description of Duties: The Task Force shall provide independent advice and recommendations to the Secretary of the Army on a plan and accompanying critical restoration projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan Program. Specifically, the Task Force shall:
 - a. Prepare and approve, by a majority of the members, a plan for the use of the funds made available under Public Law 106-541, to promote conservation practices in the Missouri River watershed, control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion, erosion control along the Missouri River, or any combination of the activities just described;
 - b. Develop and recommend to the Secretary of the Army for implementation, critical restoration projects meeting the goals of the plan; and
 - c. Determine whether these critical restoration projects primarily benefit the Federal Government for purposes of cost-sharing.
5. Agency or Official to Whom the Committee Reports: The Task Force shall report to the Secretary of the Army. The Secretary of the Army may act upon the Task Force's advice and recommendations.
6. Support: The Department of Defense (DoD), through the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers, shall provide support, as deemed necessary, for the performance of the Task Force's functions and shall ensure compliance with the requirements of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$56,000.00. The estimated annual personnel cost to the DoD is 0.5 full-time equivalents.

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8. Designated Federal Officer: The Task Force's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed, in accordance with established DoD policies and procedures.

The Task Force's DFO is required to be in attendance at all meetings of the Task Force and its subcommittees for the entire duration of each and every meeting. However, in the absence of the Task Force's DFO, a properly approved Alternate DFO, duly appointed to the Task Force according to DoD policies and procedures, shall attend the entire duration of all meetings of the Task Force or its subcommittees.

The DFO, or the Alternate DFO, shall call all of the Task Force's and subcommittees meetings; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Task Force shall meet at the call of the Task Force's DFO, in consultation with the Chairperson. The estimated number of meetings by the Task Force is no less than two per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Task Force shall terminate upon repeal of the statutory authority requiring the establishment of the Task Force, Section 905(a) of Title IX, the Missouri River Restoration Act of 2000, Public Law 106-541.
12. Membership, Designation, and Compensation: The Task Force, pursuant to Section 905(b) of the Missouri River Restoration Act of 2000, shall be composed of not more than 29 members. Specifically, the Task Force membership shall be composed of:
- a. Secretary of the Army or designee, who shall serve as the Chairperson;
 - b. Secretary of Agriculture or designee;
 - c. Secretary of Energy or designee;
 - d. Secretary of the Interior or designee; and
 - e. The Trust. The Trust is composed of 25 members to be appointed by the Secretary of the Army, including:
 - i. 15 members recommended by the Governor of South Dakota that:
 - 1. represent equally the various interests of the public; and
 - 2. include representatives of:
 - a. the South Dakota Department of Environment and Natural Resources;
 - b. the South Dakota Department of Game, Fish, and Parks;

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- c. environmental groups;
 - d. the hydroelectric power industry;
 - e. local governments;
 - f. recreation user groups;
 - g. agricultural groups; and
 - h. other appropriate interests.
- ii. Nine members, one of each of whom shall be recommended by each of the nine Indian Tribes in the State of South Dakota; and
 - iii. One member recommended by the organization known as the “Three Affiliated Tribes of North Dakota” (composed of the Mandan, Hidatsa, and Arikara tribes).

The members of the Trust shall be appointed by the Secretary of the Army as representative members to the Task Force.

All representative members of the Trust shall be appointed for a two-year term of service; however, no member, unless authorized by the Secretary of the Army, may serve more than two consecutive terms of service. In addition, all Task Force members shall, with the exception of travel and per diem for official travel, serve without compensation.

13. Subcommittees: DoD, when necessary and consistent with the Task Force’s mission and DoD policies and procedures, may establish subcommittees, task groups, or working groups to support the Task Force. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army, as the DoD Sponsor.

Such subcommittees shall not work independently of the Task Force and shall report all their recommendations and advice solely to the Task Force for full deliberation and discussion. Subcommittees, task groups, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Task Force. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Task Force, directly to DoD or any Federal officer or employee.

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of subcommittee members for a two-year term of service with annual renewals; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. These individuals may come from the Task Force or may be new nominees, as recommended by the Secretary of the Army and based upon the subject matters under consideration.

Subcommittee members, if not full-time or part-time Government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as special government employee members, whose appointments must be renewed by the Secretary of the Army, in consultation with the Secretary of Defense, on an annual basis. With the

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exception of travel and per diem for official travel related to the Task Force or its subcommittees, subcommittee members shall serve without compensation.

Each subcommittee member is appointed to provide advice to the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

All subcommittees, task groups, or working groups shall operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

14. Recordkeeping: The records of the Task Force and its subcommittees shall be handled according to Section 2, General Records Schedule 26, and governing DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
15. Filing Date: February 22, 2013